

IN RE: PETITION FOR VARIANCE	* BEFORE THE
NE/Corner Baltimore National Pike	* DEPUTY ZONING COMMISSIONER
and Ingleside Avenue	* OF BALTIMORE COUNTY
(5632-5660 Baltimore Nat'l Pike)	* Case No. 95-427-A
1st Election District	*
1st Councilmanic District	
Stonehenge Limited Partnership	
Petitioners	

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 5632-5660 Baltimore National Pike, located in the vicinity of Old Frederick Road in Catonsville. The Petition was filed by the owners of the property, Stonehenge Limited Partnership, by Jack Pechter, General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek a variance from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking distance setback of as close as 0 feet along the southern and southwestern property lines in lieu of the minimum required 10 feet. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dac Carney, a representative of the Stonehenge Limited Partnership, George McCubbin, with W. Duvall and Associates, Inc., the engineering firm that prepared the site plan for this project, and Patricia Malone and Robert A. Hoffman, Attorneys at Law. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 10.55 acres, more or less, zoned B.M.-C.T., and is the site of the Ingleside Shopping Center. The property is located at the northeast corner of Baltimore National Pike and Ingleside Avenue in

ORDER RECEIVED FOR FILING  
 Date 7/2/95  
 By [Signature]

MICROFILMED

Catonsville. Presently, the shopping center consists of a number of retail stores with accessory parking, a bank, and a restaurant. The Petitioners are in the process of expanding and upgrading the shopping center. Testimony indicated that the existing Giant Food Store is terminating its lease and the Petitioners propose to locate a Safeway Food Store in its place. In order to proceed with the proposed improvements, the Petitioners need variance relief for several of the parking spaces, which have existed on the property for many years. Testimony indicated that a sufficient number of parking spaces exist on the property, however, many of those spaces are located adjacent to the property line, and thus, a variance is necessary.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

7/12/95  
Rop

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

7/12/93  
Bp

area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

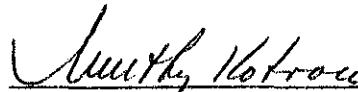
Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of July, 1995 that the Petition for Variance seeking relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking distance setback of as close as 0 feet along the southern and southwestern property lines in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

1995 JUL 12 PM 4:10

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 12, 1995

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
NE/Corner Baltimore National Pike and Ingleside Avenue  
(5632-5660 Baltimore National Pike)  
1st Election District - 1st Councilmanic District  
Stonehenge Limited Partnership - Petitioners  
Case No. 95-427-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Messrs. Jack Pechter and Dac Carney, Stonehenge Ltd. Partnership  
40 York Road, Towson, Md. 21204

Messrs. Wilbur Duvall and George McCubbin  
W. Duvall and Associates, Inc., 530 E. Joppa Road, Towson, Md. 21286

People's Counsel

✓ File



# Petition for Variance

425  
95-427-A

## to the Zoning Commissioner of Baltimore County

for the property located at 5632-5660 Baltimore National Pike (U.S. RTE 40)  
which is presently zoned BM-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 409.8-A.4 (B.C.Z.R.) to allow a parking setback distance of as close as zero (0) feet along the southern and southwestern property boundary in lieu of the ten (10) foot minimum required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Engineer:

W. Duval & Associates, Inc.

(Type or Print Name)

Signature

PRES.

WILBUR DUVAL

530 E. Joppa Road

Address

Towson,

MD

21286

City

State

Zipcode

Attorney for Petitioner:

Venable, Baetjer & Howard

(Type or Print Name)

Signature

ROBERT HOFFMAN

210 Allegheny Ave. (410) 494-6200

Address

Phone No.

Towson,

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Stonehenge Limited Partnership

Jack Pechter, General Partner

(Type or Print Name)

Signature

(Type or Print Name)

40 York Road

(410) 321-8777

Address

Phone No.

Towson,

MD

21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Dac Carney

Name 40 York Road

Towson, MD 21204 (410) 321-8777

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

DATE



ORDER RECEIVED FOR FILING

Date

By

# W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

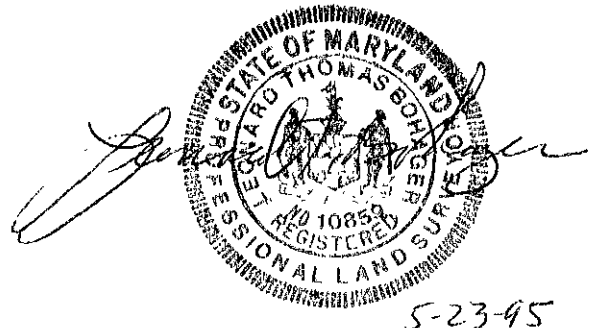
ZONING DESCRIPTION  
INGLESIDE SHOPPING CENTER  
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northernmost side of Baltimore National Pike, 150 feet wide, said point being distant North 50 degrees East 196 feet, more or less, from the centerline intersection of said Baltimore National Pike and Ingleside Avenue, 103 feet wide, all as shown on a plat prepared by KCI Technologies, Inc. entitled "Boundary Survey Ingleside Shopping Center"; thence binding on the lines of said plat the following eleven courses and distances, viz:

1. North 56 degrees 06 minutes 06 seconds West 134.43 feet; thence
2. North 03 degrees 40 minutes 50 seconds West 581.40 feet; thence
3. South 76 degrees 49 minutes 51 seconds East 342.10 feet; thence
4. North 84 degrees 08 minutes 08 seconds East 200.00 feet; thence
5. North 05 degrees 51 minutes 51 seconds West 10.00 feet; thence
6. South 89 degrees 57 minutes 45 seconds East 411.99 feet; thence
7. South 79 degrees 44 minutes 19 seconds East 151.98 feet; thence
8. South 01 degrees 00 minutes 01 seconds West 50.00 feet; thence
9. North 79 degrees 44 minutes 19 seconds West 151.98 feet; thence
10. South 01 degrees 00 minutes 01 seconds West 305.99 feet; thence
11. South 72 degrees 18 minutes 10 seconds West 827.05 feet to the point of beginning.

CONTAINING 10.5551 acres of land, more or less.

BEING the same parcel of land which by deed dated January 31, 1990 and recorded among the Land Records of Baltimore County in Liber 8393 Folio 763 was conveyed by The Harry and Jeanette Weinberg Foundation, Incorporated to Stonehedge Limited Partnership.



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-477-A

District 1st

Date of Posting 4/2/95

Posted for: Variance

Petitioner: Storeherge Limited Partnership

Location of property: 5632-5660 Balt. Not. Pk. - Ingleside Shp. Ctr.

Location of Signs: Facing road way on property being zoned

Remarks: \_\_\_\_\_

Posted by

[Signature]

Signature

Date of return:

6/8/95

Number of Signs: 1



ENCLOSURE

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:  
95-427-A (Item 425)  
5632 - 5660 Baltimore  
National Pike - Ingleside  
Shopping Center

NEC Baltimore National  
Pike and Ingleside Avenue  
1st Election District

1st Councilmanic  
Legal Owner(s):  
Stonehenge Limited  
Partnership

HEARING: FRIDAY,  
JUNE 23, 1995 at 10:00  
a.m. in Rm. 106, County Of-  
fice Building.

Variance: to allow a parking  
setback distance of as close as  
zero feet along the southern  
and southwestern property  
boundary in lieu of the ten-foot  
minimum required.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-  
icapped accessible; for special  
accommodations Please Call  
887-3353.

(2) For Informa-  
tion concerning the File and/or  
Hearing, Please Call 887-3391.

6/11B June 8.

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/8, 1995

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 6/8, 1995.

THE JEFFERSONIAN,

*A. Henickson*

LEGAL AD. - TOWSON

~~Deletions~~



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

75-427-A

Account: R-001-6150

Number 425

By JLL

Date

5/25/95

1 NON RES VAR. CODE 020	250.00
2 SIGNS POSTING " " 080	70.00
	<hr/>
	\$ 320.00

RECEIVED

OWNER STEWENHUSE LTD. PARTNERSHIP.  
5632-5660 BACON P. PAID BY TRISTAR MGMT.

034038007547CHRC

\$320.00

RA 0009#160405-05-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 425

Petitioner: Stonehenge LTD. Partnership

Location: 5632-5660 BALTO NATNL PIKE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Stonehenge Limited Partnership c/o Dac Carney

ADDRESS: 40 York Road

Towson, Maryland 21204

PHONE NUMBER: (410) 321-8777

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY  
June 8, 1995 Issue - Jeffersonian

Please forward billing to:

Stonehenge Limited Partnership  
c/o Dac Carney  
40 York Road  
Towson MD 21204  
321-8777

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-427-A (Item 425)  
5632 - 5660 Baltimore National Pike -- Ingleside Shopping Center  
NEC Baltimore National Pike and Ingleside Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Stonehenge Limited Partnership  
HEARING: FRIDAY, JUNE 23, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance to allow a parking setback distance of as close as zero feet along the southern and southwestern property boundary in lieu of the ten-foot minimum required.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 1, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-427-A (Item 425)  
5632 - 5660 Baltimore National Pike -- Ingleside Shopping Center  
NEC Baltimore National Pike and Ingleside Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Stonehenge Limited Partnership  
HEARING: FRIDAY, JUNE 23, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance to allow a parking setback distance of as close as zero feet along the southern and southwestern property boundary in lieu of the ten-foot minimum required.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Stonehenge Limited Partnership  
W. Duvall & Associates  
Robert Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 15, 1995

Robert Hoffman, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No.: 425  
Case No.: 95-427-A  
Petitioner: Stonehenge Ltd.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director           DATE:   June 12, 1995  
      Zoning Administration and Development Management

FROM: *Sub* Herbert W. Bowling, P.E., Chief  
      Developers Engineering Section

RE:    Zoning Advisory Committee Meeting  
      for June 12, 1995  
      Item No. 425

The Developers Engineering Section has reviewed the subject zoning item. If this proposed development is to be brought into full compliance with the Baltimore County Landscape Manual to the extent possible, then this office supports the variance request. This includes detailed planting in the parking lot and detailed streetscapes along Baltimore National Pike and Ingleside Avenue. A schematic landscape plan must be submitted to and approved by this office as a condition of Development Plan approval.

RWB:SW

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 6/5/95

DATE: 6/13/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 420  
421  
422  
423  
425  
426  
427

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: STONEHENGE LIMITED PARTNERSHIP

LOCATION: NEC BALTIMORE NATIONAL PK. & INGLESIDE AVE.  
(5632-5660 BALTIMORE NATIONAL PK.-INGLESIDE SHOPPING CENTER.

Item No.: 425

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

JUN 9 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

6-6-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 425 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 19, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Ingleside Shopping Center

INFORMATION:

Item Number: 425

Petitioner: Stonehenge Limited Partnership

Property Size: \_\_\_\_\_

Zoning: BM-CT

Requested Action: Variance

Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a parking setback distance of as close as zero feet along the southern and southwestern property boundary in lieu of the required ten feet.

Based upon a site visit at the subject property, staff believes that the partnership managing the shopping center is appropriately named Stonehenge as the Ingleside Shopping Center appears to be nearly as old as its European namesake.

While staff does not oppose the applicant's request, we feel it important that conditions be attached to ensure that a landscape plan be submitted for consideration by the Landscape Architect for Baltimore County. In addition, the applicant should be required to submit information regarding facade improvements for approval by the Director of Planning. Providing this information is particularly important in order to make certain that the laudible revitalization effort at nearby Westview Mall is further complemented by any planned improvements to the subject site.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kerns

PK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
5632-5660 Baltimore National Pike (Ingle-	*	ZONING COMMISSIONER
side Shopping Ctr), NEC Baltimore Nat'l	*	
Pike and Ingleside Avenue, 1st	*	OF BALTIMORE COUNTY
Election District, 1st Councilmanic	*	
Stonehenge Limited Partnership	*	CASE NO. 95-427-A
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Patricia A. Malore

210 Allegheny Avenue Towson

Robert A. Hoffman

210 Allegheny Avenue Towson

LAC CARNEY

40 York Road Towson

GEORGE McCUBBIN

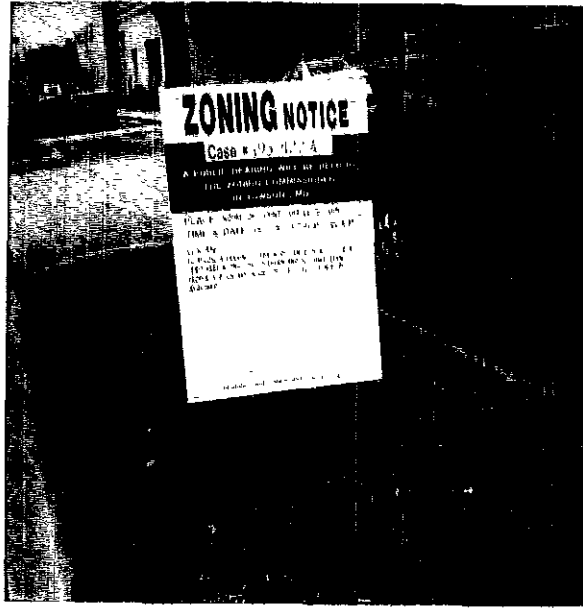
530 E. JOPPA RD. BALTO. 21286



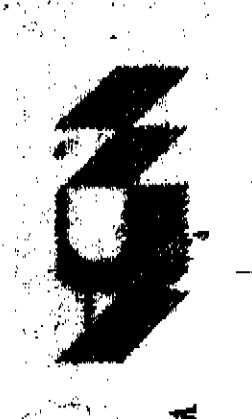
Printed with Soybean Ink  
on Recycled Paper

MICROFILMED

95-427-A



Q 428



W. DUVAL & ASSOCIATES, INC.  
ENGINEERS, SURVEYORS, LAND PLANNERS  
330 EAST GUYTON ROAD  
BETHESDA, MARYLAND 20814  
(410) 351-3371

THIS PLAN CERTIFIED  
AS BEING IN ACCORDANCE  
WITH ALL AGENCY COMMENTS

ENVIRONMENTAL INFORMATION

EXISTING BUILDING CONDITIONS

LEGEND

AMENITY  
OFFICE SPACE  
ZONING  
BOUNDARY

PLAT TO ACCOMPANY PETITION VARIANCE  
INGLESIDE SHOPPING CENTER  
BALTIMORE COUNTY, MARYLAND  
MAY 24, 1995  
SHEET 1 OF 1

95-427-A

MICROFILMED

PLAT TO ACCOMPANY PETITION VARIANCE

INGLESIDE SHOPPING CENTER

BALTIMORE COUNTY, MARYLAND

MAY 24, 1995

SHEET 1 OF 1

W. DUVAL & ASSOCIATES, INC.

330 EAST GUYTON ROAD

BETHESDA, MARYLAND 20814

(410) 351-3371

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

ENVIRONMENTAL INFORMATION

EXISTING BUILDING CONDITIONS

LEGEND

PLAT TO ACCOMPANY PETITION VARIANCE

INGLESIDE SHOPPING CENTER

BALTIMORE COUNTY, MARYLAND

MAY 24, 1995

SHEET 1 OF 1

W. DUVAL & ASSOCIATES, INC.

330 EAST GUYTON ROAD

BETHESDA, MARYLAND 20814

(410) 351-3371

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]

DATE: MAY 24, 1995

BY: [Signature]

FOR: [Signature]

NOTED: [Signature]

REMARKS: [Signature]

APPROVED: [Signature]



95-427-A

#425

WILSON-IMEL

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
NE/Corner Baltimore National Pike \* DEPUTY ZONING COMMISSIONER  
and Ingleside Avenue (5632-5660 Baltimore Nat'l Pike) \* OF BALTIMORE COUNTY  
1st Councilmanic District \* Case No. 95-427-A  
Stonehenge Limited Partnership \*  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 5632-5660 Baltimore National Pike, located in the vicinity of Old Frederick Road in Catonsville. The Petition was filed by the owners of the property, Stonehenge Limited Partnership, by Jack Pechter, General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek a variance from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking distance setback as close as 0 feet along the southern and southwestern property lines in lieu of the minimum required 10 feet. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dac Carney, a representative of the Stonehenge Limited Partnership, George McCubbin, with W. Duvall and Associates, Inc., the engineering firm that prepared the site plan for this project, and Patricia Malone and Robert A. Hoffman, Attorneys at Law. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 10.55 acres, more or less, zoned B.M.-C.T., and is the site of the Ingleside Shopping Center. The property is located at the northeast corner of Baltimore National Pike and Ingleside Avenue in

Catonsville. Presently, the shopping center consists of a number of retail stores with accessory parking, a bank, and a restaurant. The Petitioners are in the process of expanding and upgrading the shopping center. Testimony indicated that the existing Giant Food Store is terminating its lease and the Petitioners propose to locate a Safeway Food Store in its place. In order to proceed with the proposed improvements, the Petitioners need variance relief for several of the parking spaces, which have existed on the property for many years. Testimony indicated that a sufficient number of parking spaces exist on the property, however, many of those spaces are located adjacent to the property line, and thus, a variance is necessary.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Crownwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

- 2 -

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

- 3 -

area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, P. 39. See also McLean v. Seale, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

- 4 -

ORDER RECEIVED FOR FILING  
Date 7/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/12/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/12/95  
By [Signature]

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of July, 1995 that the Petition for Variance seeking relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking distance setback of as close as 0 feet along the southern and southwestern property lines in lieu of the minimum required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 12, 1995

(410) 887-4386

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
NE/Corner Baltimore National Pike and Ingleside Avenue  
(5632-5660 Baltimore National Pike)  
1st Election District - 1st Councilmanic District  
Stonehenge Limited Partnership - Petitioners  
Case No. 95-427-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Messrs. Jack Pechter and Dac Carney, Stonehenge Ltd. Partnership  
40 York Road, Towson, Md. 21204

Messrs. Wilbur Duvall and George McCubbin  
W. Duvall and Associates, Inc., 530 E. Joppa Road, Towson, Md. 21286

People's Counsel

*[Signature]*  
file

- 5 -



## Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 5632-5660 Baltimore National Pike (U.S. RTE 40)  
which is presently zoned BM-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8-A.4 (B.C.Z.R.) to allow a parking setback distance of as close as zero (0) feet along the southern and southwestern property boundary in lieu of the ten (10) foot minimum required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
To be determined at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Engineer:

W. Duvall & Associates, Inc.

*[Signature]* PRES.  
WILBUR DUVAL  
530 E. Joppa Road  
Towson, MD 21286

City Towson, State MD, Zipcode 21204

Agency for Petitioner:  
Venable, Baetjer & Howard  
City Towson, State MD, Zipcode 21204

*[Signature]* ROBERT HOFFMAN  
210 Allegheny Ave. (410) 494-6200  
City Towson, State MD, Zipcode 21204

Dac Carney  
Name 40 York Road  
Towson, MD 21204 (410) 321-8777  
City Towson, State MD, Zipcode 21204

ESTIMATED LENGTH OF HEARING  
By following date: \_\_\_\_\_ Next Two Months  
REVIEWED BY: *[Signature]* DATE: \_\_\_\_\_

ORDER RECEIVED FOR FILING  
Date 7/12/95  
By [Signature]

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

95-427-A

ZONING DESCRIPTION  
INGLESIDE SHOPPING CENTER  
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northernmost side of Baltimore National Pike, 150 feet wide, said point being distant North 50 degrees East 198 feet, more or less, from the centerline intersection of said Baltimore National Pike and Ingleside Avenue, 103 feet wide, all as shown on a plat prepared by KCI Technologies, Inc. entitled "Boundary Survey Ingleside Shopping Center"; thence binding on the lines of said plat the following eleven courses and distances, viz:

1. North 56 degrees 06 minutes 06 seconds West 134.43 feet; thence
2. North 03 degrees 40 minutes 50 seconds West 581.40 feet; thence
3. South 76 degrees 49 minutes 51 seconds East 342.10 feet; thence
4. North 84 degrees 08 minutes 08 seconds East 200.00 feet; thence
5. North 05 degrees 51 minutes 51 seconds West 10.00 feet; thence
6. South 89 degrees 57 minutes 45 seconds East 411.99 feet; thence
7. South 79 degrees 44 minutes 19 seconds East 151.98 feet; thence
8. South 01 degrees 00 minutes 01 seconds West 50.00 feet; thence
9. North 79 degrees 44 minutes 19 seconds West 151.98 feet; thence
10. South 01 degrees 00 minutes 01 seconds West 305.99 feet; thence
11. South 72 degrees 18 minutes 10 seconds West 827.05 feet to the point of beginning.

CONTAINING 10.5551 acres of land, more or less.

BEING the same parcel of land which by deed dated January 31, 1990 and recorded among the Land Records of Baltimore County in Liber 5393 Folio 763 was conveyed by The Harry and Jeanette Weinberg Foundation, Incorporated to Stonehenge Limited Partnership.



530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

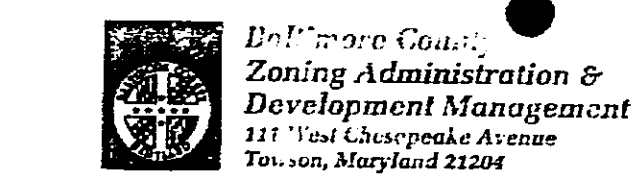
**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: 4/2/95  
Posted for: Stonehenge Limited Partnership  
Petitioner: Stonehenge Limited Partnership  
Location of property: 5632-5660 Baltimore National Pike, Towson, MD  
Location of Signs: Along Roadway per Property Survey  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 4/11/95  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/8, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/8, 1995

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON



Date: 5/25/95

1 NON RES VAR. C.D. 020 250.00  
2 SIGNS POSTING - 11'080 70.00  
\$ 320.00

STONEHENGE LTD. PETITIONER  
5632-5660 BALTIMORE NATIONAL PIKE  
PAID BY TRISTAR MINIMINT.

0340380075HICRC #320.00  
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

75-427-A

Account: R-071-6150

Number: 425

By JLL

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

**For newspaper advertising:**

Item No.: 425

Petitioner: Stonehenge Ltd. Partnership

Location: 5632-5660 BALTIMORE NATIONAL PIKE

**PLEASE FORWARD ADVERTISING BILL TO:**

NAME: Stonehenge Limited Partnership c/o Dac Carney

ADDRESS: 40 York Road

Towson, Maryland 21204

PHONE NUMBER: (410) 321-8777

AJ:ggg

(Revised 04/09/91)

TO: PUTNEY PUBLISHING COMPANY  
June 8, 1995 Issue - Jeffersonian

Please forward billing to:

Stonehenge Limited Partnership  
c/o Dac Carney  
40 York Road  
Towson MD 21204  
321-8777

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-427-A (Item 425)  
5632 - 5660 Baltimore National Pike -- Inglewood Shopping Center  
NEC Baltimore National Pike and Inglewood Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Stonehenge Limited Partnership  
HEARING: FRIDAY, JUNE 23, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance: to allow a parking setback distance of as close as zero feet along the southern and southwestern property boundary in lieu of the ten-foot minimum required.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 1, 1995

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-427-A (Item 425)  
5632 - 5660 Baltimore National Pike -- Inglewood Shopping Center  
NEC Baltimore National Pike and Inglewood Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): Stonehenge Limited Partnership  
HEARING: FRIDAY, JUNE 23, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance: to allow a parking setback distance of as close as zero feet along the southern and southwestern property boundary in lieu of the ten-foot minimum required.

[Signature]  
Arnold Jablon  
Director

cc: Stonehenge Limited Partnership  
W. Duval & Associates  
Robert Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 15, 1995

Robert Hoffman, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No.: 425  
Case No.: 95-427-A  
Petitioner: Stonehenge Ltd.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: June 12, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for June 12, 1995  
Item No. 425

The Developers Engineering Section has reviewed the subject zoning item. If this proposed development is to be brought into full compliance with the Baltimore County Landscape Manual to the extent possible, then this office supports the variance request. This includes detailed planting in the parking lot and detailed streetscapes along Baltimore National Pike and Inglewood Avenue. A schematic landscape plan must be submitted to and approved by this office as a condition of Development Plan approval.

RWB:sw

**BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE**

TO: ZADM Joyce Watson DATE: 6/13/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 6/15/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 420  
421  
422  
423  
425  
426  
427

LS:sp

LETTY2/DEPRM/TXTSBP



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: STONEHENGE LIMITED PARTNERSHIP

LOCATION: NEC BALTIMORE NATIONAL PK. & INGLESIDE AVE.  
(5632-5660 BALTIMORE NATIONAL PK.-INGLESIDE SHOPPING CENTER.

Item No.: 425 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED  
JUN 9 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

O. James Lighthizer  
Secretary  
Hel Kassoff  
Administrator

Re: Baltimore County  
Item No: 425 (JLL)

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 19, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Ingleside Shopping Center

INFORMATION:

Item Number: 425

Petitioner: Stonehenge Limited Partnership

Property Size:

Zoning: BM-CT

Requested Action: Variance

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a parking setback distance of as close as zero feet along the southern and southwestern property boundary in lieu of the required ten feet.

Based upon a site visit at the subject property, staff believes that the partnership managing the shopping center is appropriately named Stonehenge as the Ingleside Shopping Center appears to be nearly as old as its European namesake.

While staff does not oppose the applicant's request, we feel it important that conditions be attached to ensure that a landscape plan be submitted for consideration by the Landscape Architect for Baltimore County. In addition, the applicant should be required to submit information regarding facade improvements for approval by the Director of Planning. Providing this information is particularly important in order to make certain that the laudible revitalization effort at nearby Westview Mall is further complemented by any planned improvements to the subject site.

Prepared by: *Jeffrey M. Long*

Division Chief: *Cary L. Kerns*

PK/JL

ITEM425/PZONE/ZAC1

RE: PETITION FOR VARIANCE  
5632-5660 Baltimore National Pike (Ingleside Shopping Ctr), NEC Baltimore Nat'l Pike and Ingleside Avenue, 1st Election District, 1st Councilmanic  
Stonehenge Limited Partnership  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-427-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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CERTIFICATE OF SERVICE

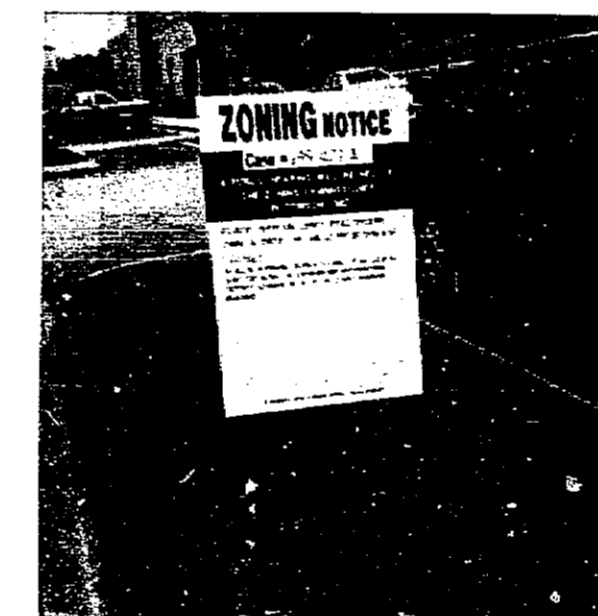
I HEREBY CERTIFY that on this 13<sup>th</sup> day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

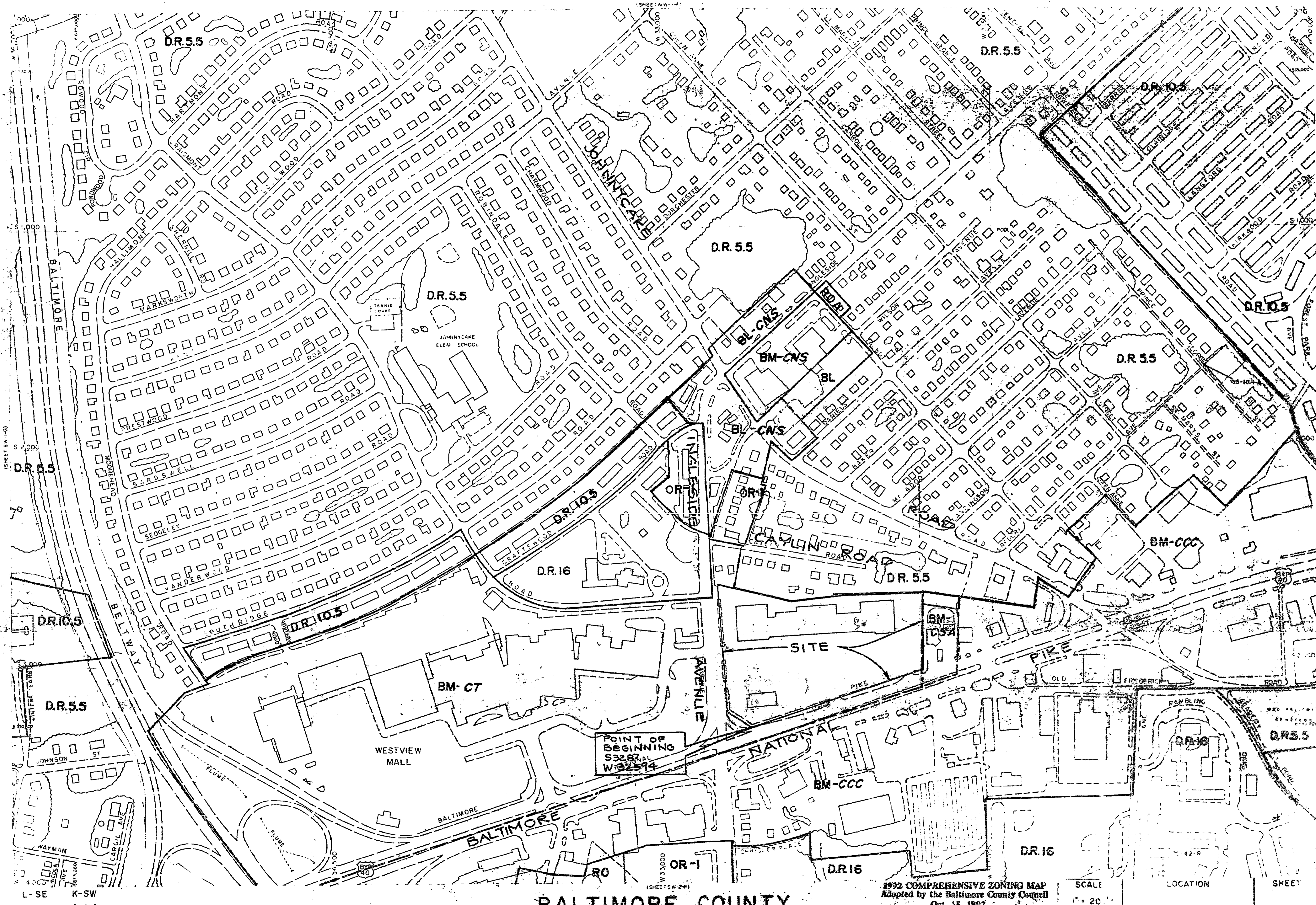
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
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Robert A. Hoffman	210 Allegheny Avenue Towson
DAC CARNEY	40 Jack Road Towson
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